

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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J&J SPORTS PRODUCTIONS, INC.

★ JUN 05 2018 ★

BROOKLYN OFFICE

Plaintiff,
-against-

ORDER ADOPTING REPORT
AND RECOMMENDATION
17-cv-01186 (AMD) (SJB)

LUIS O. NACIPUCHA,

Defendant.
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Ann M. Donnelly, United States District Judge:

On March 2, 2017, the plaintiff, J&J Sports Production, Inc. ("J&J") commenced this action against defendants Luis O. Nacipucha and Sunset Perk Café, Inc., alleging violations of Sections 605 and 553 of the Federal Communications Act of 1934. (Compl., ECF No. 1.) The plaintiff voluntarily discontinued its claims against Sunset Perk Café, Inc., and on October 24, 2017, the corporate defendant was dismissed from this case. (ECF No. 11; 10/24/2017 Order.) Although the plaintiff served defendant Nacipucha on June 26, 2017, Nacipucha failed to answer or otherwise respond to the complaint. (ECF No. 6.) The Clerk of the Court issued a certificate of default against Nacipucha on September 28, 2017, and the plaintiff thereafter moved for default judgment. (ECF Nos. 12, 13.)

On May 18, 2018, Magistrate Judge Sanket J. Bulsara issued a Report and Recommendation, recommending that I deny the plaintiff's motion for default judgment and dismiss the action without prejudice. Judge Bulsara ordered the parties to file objections to the Report and Recommendation by June 1, 2018. To date, no objections have been filed.

In reviewing a Report and Recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where, as here, no party has objected to the magistrate judge's

recommendation, “a district court need only satisfy itself that there is no clear error on the face of the record.” *Urena v. New York*, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (quoting *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)).

I have carefully reviewed Judge Bulsara’s thorough and well-reasoned opinion and find no error. Accordingly, I adopt Judge Bulsara’s Report and Recommendation in its entirety. The plaintiff’s motion for default judgment [13] is denied and the case is dismissed without prejudice. The Clerk of the Court is directed to enter judgment and close the case.

SO ORDERED.

s/Ann M. Donnelly

Ann M. Donnelly
United States District Judge

Dated: Brooklyn, New York
June 4, 2018